

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

GARFIELD O. GAYLE, et al.,

Plaintiffs/Petitioners,

v.

JANET NAPOLITANO, in her official
capacity as Secretary of the Department of
Homeland Security, et al.,

Defendants/Respondents.

Civil Action No. 12-2806 (FLW)

ORDER

THIS MATTER having been opened to the Court by Plaintiffs Garfield O. Gayle, Neville Sukhu, and Sheldon Francois (“Plaintiffs”), through their counsel Lawrence S. Lustberg, Esq., on an Amended Class Action Complaint for declaratory and injunctive relief, or in the alternative, a class action habeas petition (“Amended Complaint”), and on a Motion to Certify Class; it appearing that Defendants, through their counsel Jennifer A. Bowen, Esq., having submitted a request to dismiss the Amended Complaint and an opposition to the Motion to Certify Class, and replies having been filed; it appearing that on May 10, 2013, the Court heard oral argument on all pending motions; the Court having considered the moving, opposition, and reply papers filed by the parties; for the reasons stated on the record, and for good cause shown;

IT IS on this 13th day of May, 2013

ORDERED that Plaintiff Gayle’s and Plaintiff Sukhu’s individual habeas claims are DISMISSED as moot; and it is further

ORDERED that Defendant’s Motion to Dismiss the Amended Complaint is DENIED; and it is further

ORDERED that Plaintiffs' Motion to Certify Class is DENIED without prejudice pending an expanded record and/or discovery; and it is further

ORDERED that Plaintiffs are granted leave to file a Second Amended Complaint no later than May 17, 2013; and it is further

ORDERED that Plaintiff Francois shall submit supplemental briefing regarding his individual claim for habeas relief no later than May 17, 2013, with Defendants' response due no later than May 31, 2013.

/s/ Freda L. Wolfson
Honorable Freda L. Wolfson
United States District Judge